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SIPDIS

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E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [EIND](#) [ETTC](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): DELINEATION OF
INDUSTRY PLANTS AND PLANT SITES

This is CWC-101-03.

Delineation of Industry Plants and Plant Sites

1. On 2 October 2003, Larry Denyer, Department of Commerce, presented the U.S. practice on plant and plant site delineation that is used to support the declarations and inspections of industry facilities under the Chemical Weapons Convention (CWC). This issue underlies many of the past difficulties and treaty interpretation miscommunications encountered during U.S. industry inspections. While all such problems have been resolved via subsequent inspections in the U.S., the TS inspection teams continue to have inconsistent approaches to plant/plant site delineation during industry inspections. In the interest of assisting the TS in developing a common-approach, the U.S. offered to share its presentation on plant/plant site delineation routinely provided to U.S. industry during advance preparation activities to TS policy and inspection personnel. The presentation was not a policy discussion on this subject but rather a presentation of U.S. practice regarding this issue, and it included discussions on treaty definitional issues, interpretation and implementation issues, and common practices meant to avoid a number of declaration and inspection pitfalls. In attendance from the TS were the majority of the Inspection Team Leaders, Per Runn (Deputy Director, Verification Division), Faiza Patel-King (Verification Division), Mohammed Doudi (Verification Division), and other staff. Other Del members in attendance were Brandon Williams, Tom Underwood, and Lisa Benthien.

2. The U.S. message was well received. In addition to a number of specific questions, TS staff presented a number of hypothetical plant site scenarios for discussion. Given that the U.S. sees the application of this methodology as a successful approach to inspection management over the past 2-plus years, the TS questioned whether the U.S. would be comfortable if other States Parties used the same approach. The Del assured the TS that it would be and pointed out that such consistency on all parts could lead to smoother inspection execution. From the discussions, it is clear that the TS remains fractured on their understanding of plant site delineation. While some of the team leaders retained positions that fencelines should in all cases be the starting point for plant site delineation regardless of ownership or operational control issues, other team leaders offered support for the U.S. delineation process. Much of the misunderstandings appear to be related to U.S. legal and constitutional processes (e.g., limitations on USG in querying companies on submitted declarations and warrants, holdings and 'search and seizure' issues). Much explanation of how the U.S. establishes the requirements for, solicits, collects and analyzes declarations and the impact of this process on advance and host team activities was provided. The TS expressed appreciation for the U.S. initiative in discussing this issue.

3. Javits sends.

SOBEL